

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>		<div>Hearing Date/Agenda Number P.C. 06-09-04 Item: 4.d. <div>C.C. 06-15-04 Item: 11.7</div></div> <div>File Number PDC04-007</div> <div>Application Type Planned Development Rezoning</div> <div>Council District 3</div> <div><div>Planning Area Central</div><div>Planned Community Jackson - Taylor</div></div> <div>Assessor's Parcel Number(s) 249-06-007, 249-08-030</div>
PROJECT DESCRIPTION		Completed by: F. Lee Butler
Location: Southeast corner of N. 8 th St. and Hedding Street		
Gross Acreage: 4.3	Net Acreage: 3.8	Net Density: 26.3 DU/AC
Existing Zoning: A(PD) Planned Development & LI Light Industrial Existing Use: Warehouse and Light Industrial		
Proposed Zoning: A(PD) Planned Development Proposed Use: 100 Single-family attached residential units		
GENERAL PLAN		Completed by: FLB
Land Use/Transportation Diagram Designation Jackson-Taylor Planned Residential Community High Density Residential (25 – 50 DU/AC)		Project Conformance: [X] Yes [] No [X] See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		Completed by: FLB
North:	Single-family Detached Residential & Commercial	LI Light Industrial
East:	Railroad Right-of-Way and Industrial	LI Light Industrial
South:	Multi-family Attached Residential	A(PD) Planned Development
West:	Public Park	R-2 Two-Family Residence
ENVIRONMENTAL STATUS		Completed by: FLB
[] Environmental Impact Report [X] Negative Declaration circulated on May 14, 2004 [] Negative Declaration adopted on		[] Exempt [] Environmental Review Incomplete
FILE HISTORY		Completed by: FLB
Annexation Title: Original City		Date: March 27, 1850
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
[] Approval [] Approval with Conditions [X] Denial		Date: _____ Approved by: _____ [] Action [✓] Recommendation
OWNERS		CONTACT
Norsca Associates, L.P. P.O. box 789 Palm Beach, FL 33480	Howard Simmons Simmons Stairways 436 E. Hedding St. San Jose, CA 95112	Chris Davenport Trumark Companies 4185 Blackhawk Plaza, Suite 200 Danville, CA 94506

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: FLB

Department of Public Works

See attached memo

Other Departments and Agencies

See attached memos from Valley Transportation Authority, Police Department, Parks Planning, Fire Department, and Environmental Services Department

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

On January 16th, 2004, the applicant, Trumark Companies, submitted an application for a Planned Development Rezoning to allow up to 100 single-family attached residential units on a 4.3 gross acre site. The site is located at the southeast corner of N. 8th St. and Hedding St. The majority of the site (approximately 3.8 acres) is within an existing Planned Development Zoning District (approved under file no. PDC00-101) that allows for up to 171 multi-family attached residential units at the property. The remainder of the site, an approximately 0.5 acre triangular parcel currently owned by Howard Simmons (APN: 249-08-030), is currently zoned LI Light Industrial.

The subject site is generally flat and occupies the property west of the railroad tracks at the southeast corner of N. 8th St. and Hedding St. The property extends southward along N. 8th St. for 537.76 feet, occupying over half of the block between Hedding St. and Mission St. The site is currently occupied by two industrial buildings and a surface parking lot facing Hedding St.

To the south, a multi-family residential project is currently under construction. To the east, industrial uses exist across the railroad tracks. To the north, single-family detached residential and commercial uses are present across Hedding St. To the west across N. 8th St., Bernal Park occupies the entire block between N. 7th St., N. 8th St., Hedding St., and Mission St.

Project Description

The proposed project would rezone the subject property to allow up to 100 single-family attached garden townhouse units on a 4.3 gross acre site. The private street proposed to intersect N. 8th St. and Hedding St. occupies approximately 0.5 acres, therefore, the net project area is 3.8 acres. An existing industrial warehouse building and surface parking lot currently occupies the majority of

the site, and the warehouse would be demolished as part of this proposal. At the northeast corner of the site, a second industrial structure would also be demolished as part of the proposal.

The project proposes 15 three-story buildings containing between five and eleven units per building. Building heights would be approximately 42 feet above grade, and the development standards call for a maximum height of 45 feet. The majority of the wood-framed structures' exterior surfaces would be covered with stucco or lap siding and would have either stucco or wood trim. Within the buildings, the following unit types are proposed: 54 three-bedroom units with a two-car tandem garage, 25 two-bedroom units with a two-car tandem garage, and 21 four-bedroom units with a two-car garage.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for the proposed project by an environmental consultant. The environmental impacts of this project were addressed with a Mitigated Negative Declaration that was circulated on May 14th, 2004. Various technical reports were submitted to support the findings made in the Initial Study, and mitigation measures were incorporated into the Mitigated Negative Declaration so that the project will not have an unacceptable environmental impact. The following summarizes the key points of the technical reports, Initial Study, and/or Mitigated Negative Declaration.

Air Quality

Various mitigation measures will be incorporated into the project related to construction and associated activities to reduce the amount of dust created by construction to mitigate the impacts to a less than significant level.

Biological Resources

Each tree proposed to be removed will be replaced in accordance with city of San Jose standards.

Cultural Resources

Bonnie Bamburg completed a historic resource evaluation of the existing structures on the site. It was concluded in the evaluation that the existing warehouse on the N. 8th Street parcel does not qualify for the California Register of Historic Resources.

Hazardous Materials

Various hazardous materials are present at the site, and mitigation measures have been incorporated into the project to ensure that any contamination would be removed, monitored or destroyed in a manner that would not result in any significant environmental impacts.

Hydrology and Water Quality

The applicants would be required to submit a Notice of Intent to the Regional Water Quality Control Board, prepare a Stormwater Pollution Prevention Plan (SWPPP), and include Best Management Practices (BMPs) in the project to reduce and/or delay stormwater runoff. The applicant proposes to use disconnected downspouts routed to landscaped areas, to reduce impermeable surfaces to the greatest extent practical (pervious pedestrian pathways), and to plant various landscaping (trees, shrubs, and groundcovers) to address the BMP requirements.

Noise

A technical report was prepared by Charles M. Salter Associates to identify the existing noise sources and levels at the site. Mitigation measures, including a nine-foot tall soundwall at the eastern boundary of the site (adjacent to the railroad tracks), mechanical ventilation provided where needed, and sound rated construction materials have been included in the project that would reduce interior noise levels to an acceptable level.

Traffic

A transportation impact analysis was prepared by Hexagon Transportation Consultants, and the project as proposed was found to not present a significant environmental impact.

GENERAL PLAN CONFORMANCE

The subject site is located within the Jackson-Taylor Planned Residential Community (PRC) on the San Jose 2020 General Plan Land Use/Transportation Diagram, and within the PRC is designated High Density Residential (25-50 DU/AC). At a net density of 26.3 DU/AC, the project falls within the lower end of the residential density called for in the General Plan. A more complete discussion of General Plan Conformance, specifically with the Jackson-Taylor Residential Strategy is discussed below.

Jackson-Taylor Residential Strategy Density Conformance

The project site is located within the Jackson-Taylor Planned Residential Community. The Jackson-Taylor Planned Residential Strategy (the “Strategy”) calls for an average density of 35 DU/AC in the areas designated as High Density Residential (25-50 DU/AC) within the Strategy’s scope. Currently, 8.8 acres of the High Density Residential lands within the Jackson-Taylor Residential area have been developed with a total of 325 units. This calculates to a

density of 37 DU/AC. With the subject proposal included, a total of 13.1 acres of the High Density Residential lands would be developed with 425 units, for an average of approximately 32 DU/AC. Approximately 7.4 acres of land designated for High Density Residential have not undergone redevelopment, and the remaining 7.4 acres would be forced to develop at an average density of approximately 40 DU/AC to reach the overall average of 35 DU/AC. The proposal does fall within the density range called for in the Jackson-Taylor Residential Strategy, however, falls short of the average density of 35 DU/AC. This deficiency would force other sites to develop at higher densities for the average density goal to be met. Further analysis of conformance with the Jackson-Taylor Residential Strategy is discussed below in the “Alternatives Analysis” section.

ANALYSIS

The primary project issues in addition to the General Plan conformance issue discussed above analyzed for this proposal include parking, open space, setbacks/separations. These issues are analyzed for conformance with the Jackson-Taylor Residential Strategy and the Residential Design Guidelines. An alternatives analysis is also included in this report.

Parking

The Residential Design Guidelines’ parking standards with regards to the subject project are as follows:

Unit Type	Proposed Number of Units	Parking Spaces/Unit Required by the Residential Design Guidelines	Parking Spaces Required to Meet Residential Design Guidelines
3 bedroom w/ 2-car tandem garage	54	2.8	151
2 bedroom w/ 2-car tandem garage	25	2.7	68
4 bedroom w/ 2-car garage	21	2.75	58
	Total = 100		Total = 277

Based on the number of units, their bedroom count, and their garage parking arrangement, the Residential Design Guidelines call for a total of 277 spaces to be provided on-site. The proposed project would provide 238 spaces on-site, and the applicant seeks to utilize 32 on street public parking spaces along N. 8th and Hedding Streets towards meeting the Residential Design Guidelines standards, resulting in a proposed total of 270 on- and off-site parking spaces. The Residential Design Guidelines do not support the use of adjacent on-street parking spaces towards meeting the parking standards for garden townhouse projects. However, the City has, in certain instances, allowed on-street parking to count towards meeting parking requirements.

In order to meet the standards called out in the Residential Design Guidelines by providing all required parking spaces on-site, the project would have to drop approximately six units. By dropping six units, the project would then be able to provide for the required number of spaces through a combination of on-site and on-street parking. However, if six units are dropped, the

project falls below the minimum density called for in the General Plan. Alternatively, the applicants could propose the same number of units and incorporate a different product type that would accommodate more on-site parking. As another alternative, the applicants could propose more units within a different product type that accommodates additional on-site parking, however, the environmental clearance (particularly with regards to the transportation impact analysis) would likely not cover such a project. More information on the consequences of alternative options is found below in the “Alternatives Analysis” section.

To approve the project as is, the development standards would need to be modified to (1) allow the use of adjacent on-public-street parking spaces to count towards the parking requirements and (2) allow a reduction in the required number of parking spaces as follows:

<u>Unit Type</u>	<u>Proposed Number of Units</u>	<u>Proposed Parking Spaces/Unit Standard for this Project</u>	<u>Parking Spaces Required to Meet Proposed Project Parking Standards</u>
3 bedroom w/ 2-car tandem garage	54	2.74	148
2 bedroom w/ 2-car tandem garage	25	2.63	66
4 bedroom w/ 2-car garage	21	2.68	56
Total = 100			Total = 270

Including both on-site and off-site (public street) spaces, the proposal falls seven spaces short of the parking standards outlined in the Residential Design Guidelines. The site is located adjacent to a VTA bus stop on Hedding St., and VTA light rail services and additional bus stops are located approximately seven blocks away on N. 1st St. at Hedding St. Additional amenities within walking distance of the project are the adjacent Bernal Park across N. 8th St. and the Japantown Business District (approximately 2,500 feet to the south and west). While these nearby services/facilities may reduce some of the residents’ reliance on cars, staff does not anticipate a significant reduction in the demand for parking to justify a modified parking standard. More information on the implications of providing more on-site parking is included below in the “Alternatives Analysis” section.

Open Space

The Residential Design Guidelines call for 300 square feet of private open space for each residential garden townhouse unit. When the square footage of the front porch is counted, two of the four unit plans meet the Guidelines relative to minimum private open space. The proposed four-bedroom unit meets this private open space standard with approximately 310 square feet of private open space, including over 140 square feet of front porch area. One of the proposed two-bedroom unit provides approximately 330 square feet of private open space, with approximately 160 square feet of front porch area included in the calculation. The other two unit types, however, do not meet the private open space guideline, providing approximately 240 and 270 square feet, respectively. The following table outlines the private open space provided with each proposed unit type:

	Total Private Open Space Proposed (including front porch square footage)	Front Porch Square Footage (included in total Private Open Space calculation)
Two Bedroom - Plan A	330	160
Two Bedroom - Plan B	240	52
Three Bedroom	270	145
Four Bedroom	310	145

The Residential Design Guidelines also call for 150 square feet of common open space for each garden townhouse residential unit. With 100 units, the guidelines call for 15,000 square feet of common open space within the project area. The proposed project provides approximately 6,400 square feet of usable common open space in three separate areas. Two of the proposed common open space areas abut the nine-foot soundwall on the east side of the property, and the other area spans between the southern property line and the proposed private street. The Jackson-Taylor Residential Strategy, on page 25, states that “for all developments, open space would be required to fulfill both public park and private open space requirements.” While the project does not provide common open space in accordance with the Residential Design Guidelines standards, the adjacent Bernal Park does offer a large amount of common open space for the residents to use. Furthermore, the Strategy calls for common open space to be provided on-site (regardless of proximity to parkland), but the Strategy assumed that the southern half of Bernal Park would be developed with residential uses. Since development of the Strategy, the southern half of the block has been converted to a permanent park, so more public open space is provided than what was anticipated with the plan. The public open space in excess of what was anticipated in the plan can compensate for some of the lack of on-site common open space within the project area, however, overall, on-site common open space is deficient with less than half of the Residential Design Guidelines standard proposed.

Setbacks/Separations

At this location, the Jackson-Taylor Residential Strategy calls for 15-foot front yard setbacks from both Hedding St. and N. 8th St., with porches extending up to seven feet into this front setback area and bays/balconies extending up to five feet into the front setback area. The proposed project generally conforms with these standards in that the minimum front building setback from both Hedding St. and N. 8th St. is 15 feet, and front porches are allowed to extend up to seven feet into this front setback area. The applicants have proposed that front stoops be permitted to extend an additional three feet from the porches (for a minimum stoop setback of five feet). Staff does not feel that the reduced setbacks to accommodate the stoops will adversely affect the environment or project because it will not typically be used as living space and will only occupy a very minimal portion of the front setback.

The Residential Design Guidelines call for a 30-foot separation between garden townhouses that front one another. The proposed project includes a 25-foot separation between front facing buildings with opposing front stoops separated by 15 feet. This reduced separation provides less space for front yard interaction and landscaping, however, staff does not feel that it will reduce

the pedestrian access areas to a point that will adversely impact their use as pedestrian circulation areas. The reduced setbacks do, however, decrease the amount of pervious landscaped area that can be provided on-site. The Residential Design Guidelines call for a 30-foot rear-to-rear unit separation, and the applicant is proposing a 28-foot separation. Staff does not feel that this reduced separation will significantly impact the project because adequate space for vehicular circulation would be provided.

Alternatives Analysis

Proposed Project at Low End of Density Range

Because the project is close to the minimum density called for in the General Plan and in the Jackson-Taylor Residential Strategy, a reduction in the overall number of units could potentially drop the density below 25 dwelling units per acre. All of the land within the project area is utilized for parking, vehicular/pedestrian circulation, open space, or buildings, therefore, conditions that would require additional on-site parking would reduce the already deficient open space, or it would require that residential units be removed to provide additional space for parking. Similarly, if project level issues, such as conformance with adopted urban runoff management policies, were to require more area, the project could potentially lose units and fall below the General Plan and Jackson-Taylor Residential Strategy density ranges. A maximum of five dwelling units could be removed (for a total of 95 units) for the project to meet the minimum density of 25 DU/AC (95 units/3.8 net acres). The reduction of 5 units would have a negligible effect on the overall average density in the High Density Areas within the Residential Strategy. However, further reduction in units would pressure the remaining areas designated for High Density Residential development within the Strategy Area to develop at even higher densities than what they would need to develop at to maintain the overall average density of 35 DU/AC.

Large Size of Subject Site Makes It Ideal for Higher Density Development

The project site is one of the largest remaining High Density Residential parcels in the Jackson-Taylor Residential Strategy area. This makes the site ideal for higher density residential development because it can accommodate a higher number of units and still provide the necessary parking and open space standards called for in the Guidelines and Strategy. By contrast, it is more difficult to develop the smaller parcels at higher densities because they do not have the site area necessary to meet minimum parking and open space requirements, nor would they be able to yield the unit count to make it financially feasible for development of a submerged parking area, podium, or other parking structure.

Residential Unit Cap in the Strategy Will Not be Exceeded

The Jackson-Taylor Residential Strategy calls for a maximum number of 1,677 residential dwelling units within the Strategy area, however, three General Plan Amendments (GP01-03-04, GP02-03-01, and GP03-03-02) have been approved within the Jackson-Taylor Residential Community since the adoption of the Strategy. Each of these Amendments has increased the potential number of residential units within the Strategy area. Follow-up amendments to update

the text of the Strategy have not occurred. Because the density increases have already been approved by City Council, it is not necessary to propose a text Amendment to the Strategy. Instead, Staff has researched the increased number of residential units anticipated at the time of the respective General Plan Amendments' reviews, and the text of the Strategy will be updated to reflect the delta between the number of residential units anticipated before and after the Amendments. Per the analyses done when the respective Amendments were reviewed, 239 additional units will be added to the residential unit cap found in the Strategy. With this addition to the residential unit cap, development up to now is on track to meet and not exceed the maximum unit limit if all remaining properties are redeveloped at their respective median density ranges. With this project developed at a significantly higher density range than what is proposed, it is not anticipated that the residential unit cap would be exceeded in the Jackson-Taylor Residential Strategy.

Higher Density Alternatives

Rather than supporting a lower density project that will force smaller, less viable sites to develop at higher densities, the subject site should be developed at a higher density. Staff has suggested on several occasions that if the applicant wants to continue to propose the garden townhouse product type, then those units could remain around the perimeter of the site, fronting onto N. 8th St. and Hedding St. where they provide a good street presence and encourage a pedestrian orientation with front porches facing the park. If continuing with this unit type on the perimeter, the interior, however, should be developed with a higher density (potentially podium) project that would allow for an increase in overall density on the site. The perimeter units would provide a good lower density transition between the park and residences/businesses to the north and the higher density podium project on the interior of the site. The podium design would also allow for parking to be accommodated on site and for additional common open space areas to be incorporated into the site design. As an alternative to this option, staff has also suggested that the applicant drop the lower density garden townhouse unit type altogether and proceed with a higher density unit type across the entire site.

A major goal of the Jackson-Taylor Residential Strategy is to reestablish the street grid system throughout the community. The Strategy calls for a mid-block public street that would extend across the railroad tracks and ultimately connect to Vestal Street (at N. 10th St.) when the site across the railroad tracks to the east is redeveloped. Staff recognizes that at the time the Strategy was developed, this goal had some merit. However, over time, it has become clear that there may be limited opportunity to secure a crossing of the railroad tracks at this location and the inclusion of such a connection into the project at this time is a low priority.

Existing Zoning Works to Further General Plan and Jackson-Taylor Residential Strategy

The existing Planned Development Zoning (PDC00-101) at the property meets the density, goals, policies, and intent of both the General Plan and the Jackson-Taylor Residential Strategy. The proposed rezoning would eliminate 71 dwelling units from what has already been approved, all while incorporating an additional one-half-acre parcel into the proposed development. The existing PD Zoning calculates to approximately 45 DU/AC, and would further the General Plan goals and policies by concentrating higher density housing in already urbanized areas where

urban facilities and services are already available. Furthermore, retention of the existing PD Zoning better supports the intent of the Jackson-Taylor Residential Strategy in that it provides higher density housing in the areas that are identified as most appropriate, it keeps other parcels designated as High Density Residential within the Strategy area from being forced to develop at even higher densities, and it concentrates higher density development on one of the larger sites designated for High Density Residential uses where more residents would have easy access to the adjacent park. Staff would encourage that future development of the area incorporate the triangular parcel at the northeast portion of the project area (APN: 249-08-030), and this could potentially be accomplished through a Conforming Planned Development Rezoning.

COMMUNITY OUTREACH

An early notification postcard was mailed out in late January to all property owners and tenants within a 1,000 foot noticing radius to inform the public that the proposal had been filed with the Planning Divisions. A separate notice was mailed to all tenants and property owners within 1,000 feet of the project site to let the public know that the project would be discussed at a regularly scheduled neighborhood meeting. A community meeting was held on May 13, 2004 and was attended by approximately 15 members of the public. The individuals in attendance expressed various opinions. Generally, the attendees were happy with the proposed lower density and with the architecture, however, they did express concerns over the parking arrangements. Attendees indicated that finding parking around the park on weekends has been difficult, and Staff observations have concluded the same. A major issue of concern at the community meeting was traffic calming, and per the attached Public Works Memorandum, the applicant would be required to contribute \$100,000 towards traffic calming measures in the area.

A public hearing notice for the project was published in the San Jose Mercury News newspaper and mailed to all property owners and tenants within 1000 feet of the subject site. Staff has been available to discuss the proposal with members of the public. Additionally, prior to the public hearing, an electronic version of the staff report has been made available online, accessible from the Planning Commission agenda, on the Planning Divisions' website.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to deny an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning is a lower density than what Planning staff believes is appropriate for the subject site. The proposed rezoning would force other properties designated for High Density Residential (25-50 DU/AC) use within the Jackson-Taylor Planned Residential Community to develop at higher densities than would be the case if this proposal included more units, and the subject parcel is more appropriate for higher density residential development when compared with the remaining High Density Residential parcels, which are smaller in size.

2. The proposed project would not further the goals and policies of the General Plan's Growth Management and Housing strategies. These strategies seek to direct urban uses and higher density residential development towards already urbanized areas where urban facilities and services are already available. All of the Jackson-Taylor Planned Residential Community is within already urbanized areas, and the reduction in the number of units at the subject site could potentially result in an overall decrease in the number of residential units provided within the overall Planned Residential Community.
3. A higher density alternative proposal would further the goals and policies of the General Plan and would reduce the impact of the project on other sites designated for High Density Residential uses within the Jackson-Taylor Planned Residential Community. The existing Planned Development Zoning that covers the majority of the project site meets the goals and policies of the General Plan and Jackson-Taylor Residential Strategy.
4. The proposed parking arrangement is deficient per the standards called out in the Residential Design Guidelines, and alternative designs/product types can potentially incorporate measures to better meet these standards.
5. On-site common and private open space is deficient per the standards called out in the Residential Design Guidelines, and alternative designs/product types can potentially incorporate measures to better meet these standards.

Attachments